REMARKS

In the Office Action mailed January 5, 2005, the Examiner noted that claims 1-22 were pending, allowed claims 4-9 and 19-22, and rejected claims 1-3 and 10-18. Claims 1-22 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

On page 2 of the Action the Examiner objected to the specification and rejected claims 10-17 under 35 U.S.C. section 112, paragraph 1 for failure to provide an enabling disclosure. The Examiner states that the claims language of claim 10 related to the board interface controlling power is not supported in the specification.

> The purpose of the requirement that the specification describe the invention in such terms that one skilled in the art can make and use the claimed invention is to ensure that the invention is communicated to the interested public in a meaningful way.

(See MPEP 2164)

On page 2 of the Action, the Examiner acknowledges "The specification clearly states that the power is controlled by a unit present on the integrated management panel board." It is submitted that one of ordinary skill in the art would understand ho make and use the claimed invention of claim 10 from this description noted by the Examiner. Withdrawal of the rejection is requested.

On page 2 of the Office Action, the Examiner rejected claims 1 and 18 under 35 U.S.C. § 102 as anticipated by Kline. Page 6 of the Office Action rejects claims 2, 3, 10 and 11 under 35 U.S.C. § 103 over Kline and the alleged admitted prior art.

The present invention and Kline were discussed with the Examiner on or about February 16, 2005 in a telephone call. As discussed with the Examiner, the present invention is a system for monitoring the progress of and managing maintenance of computers systems during start-up over a network. In this system, each computer system includes a start-up processing unit that controls the start up of the computer system and also starts an application program of the computer system. The start-up unit creates a log of the events that occur during the start-up process from power on until the application starts (see - log - 4 : a record of performance, events, or day-to-day activities <a computer *log*> see Merriam-Webster Online Dictionary copyright © 2005 by Merriam-Webster, Incorporated). The computer system also includes a trouble monitoring unit that detects when the start-up processing unit encounters trouble during start-up. When trouble is encountered, a trouble notification unit sends the log to an external remote maintenance system, allowing the remote maintenance system to review the log and

determine the cause of the trouble.

In the Action the Examiner asserted that Klein teaches this system. In particular, the Examiner has asserted that Klein has a start-up processing unit, the Boot ROM, that is monitored and when trouble is encountered a log stored in the Boot ROM is obtained from the Boot ROM and an external remote maintenance system is informed of the log information. This does not appear to be correct as discussed with the Examiner. First, a ROM is a read only memory and cannot be used to store a log during start-up because you cannot write into a ROM after it is initially programmed (read-only memory : a usually small computer memory that contains special-purpose information (as a program) which cannot be altered -- called also *ROM* - see Merriam-Webster Online Dictionary copyright © 2005 by Merriam-Webster, Incorporated). Second, according to Klein, upon the detection of trouble a single message is sent immediately sent and not stored in a log. As stated in Klein:

> Also, for example, boot ROM interface 140 couples boot ROM 110. Boot ROM interface 140 can command the computer to perform a boot in order to re-initialize the computer. Alternatively, boot ROM interface 140 reports the result of an attempted boot to the management bus 120, and the result can be placed in a message which is transmitted to the system manager 502. The result of an attempted boot, as transmitted over the network by the invention, can tell the system manager 502 whether or not the attempted boot was successful.

(See Klein, col. 4, lines 10-19)

That is, there is no log maintained in the Klein computer system, rather Klein substantially immediately sends any message, such as a trouble message for an attempted start-up boot, on the network. The Examiner, in the telephone call, acknowledged that Klein does not teach or suggest maintaining a log

The alleged admitted prior art which the Examiner notes (see Action page 6) discusses "... trouble monitoring is provided on an integrated management panel board ..." adds nothing to this maintaining a log feature.

In the telephone call the Examiner indicated that the final Action would be withdrawn and an appropriate new Action would be issued.

It is submitted that the invention of claims claim 1, 2, 3, 10, 11 and 18 distinguishes over the prior art and withdrawal of the rejection is requested.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 112. It is also submitted that claims 4-9 and 19-22 continue to be allowable. It is further submitted that claims 1, 2, 3, 10, 11 and 18 are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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